

OFFICIAL JOURNAL  
OF THE  
**SENATE**  
OF THE  
STATE OF LOUISIANA

**THIRTEENTH DAY'S PROCEEDINGS**

**Thirtieth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Thursday, April 22, 2004

The Senate was called to order at 1:30 o'clock P.M., by Hon.  
Donald E. Hines, President of the Senate.

**ROLL CALL**

The roll being called, the following members answered to their  
names:

**PRESENT**

Mr. President	Duplessis	Jones
Adley	Dupre	Kostelka
Amedee	Ellington	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Total—36		

**ABSENT**

Fields	Lentini	Schedler
Total—3		

The President of the Senate announced there were 36 Senators  
present and a quorum.

**Prayer**

The prayer was offered by Rev. Terry Booth, following which  
the Senate joined in pledging allegiance to the flag of the United States  
of America.

**Reading of the Journal**

On motion of Senator Bajoie, the reading of the Journal was  
dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Privilege Report of the**

**Legislative Bureau**

April 21, 2004

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following  
report:

The following bills are approved as to construction and  
duplication.

**HOUSE BILL NO. 65—**  
BY REPRESENTATIVE HILL  
AN ACT

To amend and reenact R.S. 3:2133, relative to the prevention of  
contagious or communicable diseases in animals; to provide for  
penalties for improper disposal of certain animal carcasses or  
failure to restrain certain animals; and to provide for related  
matters.

Reported without amendments.

Respectfully submitted,  
ARTHUR J. "ART" LENTINI  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Bajoie, the Bills and Joint Resolutions  
were read by title and passed to a third reading.

**Messages from the House**

The following Messages from the House were received and read  
as follows:

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

April 22, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of  
Representatives has finally concurred in the following Senate  
Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 74—**  
BY SENATOR HAINKEL

A CONCURRENT RESOLUTION  
To express the sincere and heartfelt condolences of the Legislature of  
Louisiana on the death of former state legislator, Donald Fortier.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

April 22, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 142—**

BY REPRESENTATIVE JACK SMITH  
AN ACT

To amend and reenact R.S. 32:217(B), relative to pedestrians' rights and duties on public streets or highways; to provide that traffic shall yield to a person who requires a wheelchair for transportation and who is crossing a street; and to provide for related matters.

**HOUSE BILL NO. 1227—**

BY REPRESENTATIVE HILL  
AN ACT

To enact R.S. 47:1903.4, relative to the imposition of fees to derive funds for the operation and maintenance of the office of the assessor for the parish of Allen; to authorize the assessor of Allen Parish to impose a conveyance fee; to provide for the collection of the fee; to provide for the use of the monies collected; and to provide for related matters.

**HOUSE BILL NO. 1408—**

BY REPRESENTATIVES DANIEL, KENNARD, BRUCE, CROWE, DOERGE, FRITH, MARCHAND, PINAC, T. POWELL, RITCHIE, GARY SMITH, TRAHAN, WALSWORTH, AND WHITE  
AN ACT

To amend and reenact R.S. 4:420, 421(A)(2) through (9), 422, 423(B), (G)(3), (H), and (I), 424, 426, 432, and 433 and to enact R.S. 4:421(A)(10) through (14), 422.1(A)(5), 423(G)(4), 425(D), 427(A)(6) and (7) and (D), and 430(C), relative to athlete agents; to provide for legislative purpose; to provide for definitions; to provide for registration; to provide for denial or revocation of registration; to provide for notice to head coach instead of president of institution; to provide for notice to athlete; to provide for contract relationship between athlete and institution or school; to provide for duties and obligations; to provide relative to contact with athletes; to provide for prohibited activities; to provide for recordkeeping; to provide for attorney athlete agents; to provide remedies and penalties; and to provide for related matters.

**HOUSE BILL NO. 1420—**

BY REPRESENTATIVES PINAC, BRUCE, DOERGE, FLAVIN, FRITH, JACKSON, MARCHAND, T. POWELL, RITCHIE, WHITE, AND WINSTON  
AN ACT

To enact R.S. 37:2156(C)(3), relative to contractors; to require the license renewal form to include a donation portion; to provide for collection and remittance of such donations; and to provide for related matters.

**HOUSE BILL NO. 585—**

BY REPRESENTATIVE HOPKINS  
AN ACT

To enact R.S. 27:325 and to repeal R.S. 27:307(E), relative to the Video Draw Poker Devices Control Law; to authorize certain advertising by video draw poker licensees; to authorize the promotion of the play of video draw poker devices; to repeal advertising restrictions on the outside of video draw poker establishments; and to provide for related matters.

**HOUSEBILL NO. 1477 (Substitute for House Bill No. 1383 by Representative Townsend)—**

BY REPRESENTATIVES RICHMOND, TOWNSEND, DORSEY, MURRAY, AND SHEPHERD  
AN ACT

To enact R.S. 13:1568.3, relative to special divisions of juvenile courts; to provide for divisions of court to have special jurisdiction over child in need of care proceedings; to provide for divisions of court to have special jurisdiction over delinquency proceedings; to provide for applicability to juvenile courts in certain parishes; and to provide for related matters.

**HOUSE BILL NO. 1387—**

BY REPRESENTATIVES JOHNS AND SCHNEIDER  
AN ACT

To amend and reenact R.S. 47:2101(A)(3), relative to the payment of ad valorem taxes; to provide that interest shall not be assessed if the payment was timely made; and to provide for related matters.

**HOUSE BILL NO. 1220—**

BY REPRESENTATIVES THOMPSON, BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, M. GUILLORY, HILL, MORRISH, ST. GERMAIN, AND STRAIN AND SENATOR SMITH  
AN ACT

To enact Part III of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:331 through 333, relative to rural development; to create the Louisiana Center for Rural Initiatives; to provide for the powers, duties, and functions of the center; to provide relative to implementation; and to provide for related matters.

**HOUSE BILL NO. 1192—**

BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact R.S. 36:802.6 and R.S. 44:4.1(B)(1) and to enact Part XVI of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:559.1 through 559.13, and R.S. 36:629(Q), relative to aquacultural development; to create the Louisiana Aquaculture Coordinating Council; to provide for the membership, organization, powers, and duties of the Louisiana Aquaculture Coordinating Council; to provide for the powers of the commissioner of the Department of Agriculture and Forestry; to provide relative to the Louisiana Wildlife and Fisheries Commission; to require certain aquatic producers to obtain a license or permit; to provide for fees for the issuance of such license or permit; to establish criteria for inspecting licensed facilities; to provide for the deposit and disbursement of fees and penalties; to enumerate violations; to provide for investigations of facilities; to provide civil penalties for violations; and to provide for related matters.

**HOUSE BILL NO. 1178—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 25:1251(2), 1252(A), and 1253(A)(1)(introductory paragraph) and (a), (l), (m), (n), (o), (p), (q) and (3) and to enact R.S. 25:1253(A)(1)(r), relative to the Mississippi River Road Commission; to provide for geographical boundaries; to provide for membership; and to provide for related matters.

**HOUSE BILL NO. 1115—**

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:1606, relative to the Department of Revenue; to authorize the Department of Revenue to assess a distraint cost penalty; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 970—**

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 47:1908(A)(26) and (C), to increase the expense allowance of the assessor of Jefferson Parish; and to provide for related matters.

**HOUSE BILL NO. 672—**

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 47:820.5.3(C), relative to the Crescent City Connection Oversight Authority; to provide relative to membership thereon; and to provide for related matters.

**HOUSE BILL NO. 667—**

BY REPRESENTATIVE MORRELL

AN ACT

To amend and reenact R.S. 38:2212(C)(2)(b), relative to advertisement and letting public contracts to the lowest bidder; to provide relative to addenda to plans and specifications prior to opening of bids; and to provide for related matters.

**HOUSE BILL NO. 447—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:969.18(A), relative to documentation fees authorized under the Motor Vehicle Sales Finance Act; to clarify the types of persons who can properly charge documentation fees; and to provide for related matters.

**HOUSE BILL NO. 333—**

BY REPRESENTATIVES SMILEY AND THOMPSON

AN ACT

To amend and reenact R.S. 48:274.1(B), relative to specific information logo signs; to require the Department of Transportation and Development to include "RV friendly" markers within the logo sign program; to authorize certain business establishments to include "RV friendly" markers on their logo signs; to provide relative to the design and issuance criteria for "RV friendly" markers; to authorize the promulgation of rules and regulations; and to provide for related matters.

**HOUSE BILL NO. 689—**

BY REPRESENTATIVE BEARD

AN ACT

To enact R.S. 51:1967, relative to computer operating software; to prohibit software license codes from being used to prevent legitimate purchasers and users from accessing their own electronic information; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions  
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE BILL NO. 142—**

BY REPRESENTATIVE JACK SMITH

AN ACT

To amend and reenact R.S. 32:217(B), relative to pedestrians' rights and duties on public streets or highways; to provide that traffic shall yield to a person who requires a wheelchair for transportation and who is crossing a street; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 333—**

BY REPRESENTATIVES SMILEY AND THOMPSON

AN ACT

To amend and reenact R.S. 48:274.1(B), relative to specific information logo signs; to require the Department of Transportation and Development to include "RV friendly" markers within the logo sign program; to authorize certain business establishments to include "RV friendly" markers on their logo signs; to provide relative to the design and issuance criteria for "RV friendly" markers; to authorize the promulgation of rules and regulations; and to provide for related matters.

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BY REPRESENTATIVE HOPKINS

AN ACT

To enact R.S. 27:325 and to repeal R.S. 27:307(E), relative to the Video Draw Poker Devices Control Law; to authorize certain advertising by video draw poker licensees; to authorize the promotion of the play of video draw poker devices; to repeal advertising restrictions on the outside of video draw poker establishments; and to provide for related matters.

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The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1115—**

BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:1606, relative to the Department of Revenue; to authorize the Department of Revenue to assess a distraint cost penalty; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1178—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 25:1251(2), 1252(A), and 1253(A)(1)(introductory paragraph) and (a), (l), (m), (n), (o), (p), (q) and (3) and to enact R.S. 25:1253(A)(1)(r), relative to the Mississippi River Road Commission; to provide for geographical boundaries; to provide for membership; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1192—**

BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact R.S. 36:802.6 and R.S. 44:4.1(B)(1) and to enact Part XVI of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:559.1 through 559.13, and R.S. 36:629(Q), relative to aquacultural development; to create the Louisiana Aquaculture Coordinating Council; to provide for the membership, organization, powers, and duties of the Louisiana Aquaculture Coordinating Council; to provide for the powers of the commissioner of the Department of Agriculture and Forestry; to provide relative to the Louisiana Wildlife and Fisheries Commission; to require certain aquatic producers to obtain a license or permit; to provide for fees for the issuance of such license or permit; to establish criteria for inspecting licensed facilities; to provide for the deposit and disbursement of fees and penalties; to enumerate violations; to provide for investigations of facilities; to provide civil penalties for violations; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1220—**

BY REPRESENTATIVES THOMPSON, BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, M. GUILLORY, HILL, MORRISH, ST. GERMAIN, AND STRAIN AND SENATOR SMITH  
AN ACT

To enact Part III of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:331 through 333, relative to rural development; to create the Louisiana Center for Rural Initiatives; to provide for the powers, duties, and functions of the center; to provide relative to implementation; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1227—**

BY REPRESENTATIVE HILL  
AN ACT

To enact R.S. 47:1903.4, relative to the imposition of fees to derive funds for the operation and maintenance of the office of the assessor for the parish of Allen; to authorize the assessor of Allen Parish to impose a conveyance fee; to provide for the collection of the fee; to provide for the use of the monies collected; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1387—**

BY REPRESENTATIVES JOHNS AND SCHNEIDER  
AN ACT

To amend and reenact R.S. 47:2101(A)(3), relative to the payment of ad valorem taxes; to provide that interest shall not be assessed if the payment was timely made; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1408—**

BY REPRESENTATIVES DANIEL, KENNARD, BRUCE, CROWE, DOERGE, FRITH, MARCHAND, PINAC, T. POWELL, RITCHIE, GARY SMITH, TRAHAN, WALSWORTH, AND WHITE  
AN ACT

To amend and reenact R.S. 4:420, 421(A)(2) through (9), 422, 423(B), (G)(3), (H), and (I), 424, 426, 432, and 433 and to enact R.S. 4:421(A)(10) through (14), 422.1(A)(5), 423(G)(4), 425(D), 427(A)(6) and (7) and (D), and 430(C), relative to athlete agents; to provide for legislative purpose; to provide for definitions; to provide for registration; to provide for denial or revocation of registration; to provide for notice to head coach instead of president of institution; to provide for notice to athlete; to provide for contract relationship between athlete and institution or school; to provide for duties and obligations; to provide relative to contact with athletes; to provide for prohibited activities; to provide for recordkeeping; to provide for attorney athlete agents; to provide remedies and penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1420—**

BY REPRESENTATIVES PINAC, BRUCE, DOERGE, FLAVIN, FRITH, JACKSON, MARCHAND, T. POWELL, RITCHIE, WHITE, AND WINSTON  
AN ACT

To enact R.S. 37:2156(C)(3), relative to contractors; to require the license renewal form to include a donation portion; to provide for collection and remittance of such donations; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1477 (Substitute for House Bill No. 1383 by Representative Townsend)—**

BY REPRESENTATIVES RICHMOND, TOWNSEND, DORSEY, MURRAY, AND SHEPHERD  
AN ACT

To enact R.S. 13:1568.3, relative to special divisions of juvenile courts; to provide for divisions of court to have special jurisdiction over child in need of care proceedings; to provide for divisions of court to have special jurisdiction over delinquency proceedings; to provide for applicability to juvenile courts in certain parishes; and to provide for related matters.

The bill was read by title; lies over under the rules.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House****ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

April 22, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 104—**

BY REPRESENTATIVES BRUNEAU, ALARIO, LANCASTER, AND THOMPSON AND SENATORS HAINKEL AND ULLO  
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of former state representative Joseph Stubbs Casey of New Orleans.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Concurrent Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 104—**

BY REPRESENTATIVES BRUNEAU, ALARIO, LANCASTER, AND THOMPSON AND SENATORS HAINKEL AND ULLO  
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of former state representative Joseph Stubbs Casey of New Orleans.

The resolution was read by title. Senator Hainkel moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Jones
Adley	Dupre	Kostelka
Amedee	Ellington	Malone
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Dardenne	Jackson	Ullo
Total—33		

**NAYS**

Total—0

**ABSENT**

Cravins	Holden	Marionneaux
Fields	Lentini	Schedler
Total—6		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**House Bills and Joint Resolutions  
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

**HOUSE BILL NO. 24—**

BY REPRESENTATIVES BRUNEAU AND HEATON  
AN ACT

To enact R.S. 33:9091.7, relative to the Lakewood Crime Prevention and Improvement District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 64—**

BY REPRESENTATIVE JOHNS  
AN ACT

To amend and reenact R.S. 34:2101(A)(introductory paragraph), 2102(B), and 2103(introductory paragraph), relative to the West Calcasieu Port, Harbor, and Terminal District; to provide relative to the name of the district; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**Senator Ellington in the Chair**

**HOUSE BILL NO. 107—**

BY REPRESENTATIVE HUTTER  
AN ACT

To amend and reenact R.S. 34:1(B)(3), relative to the Port of New Orleans; to provide relative to nominations for membership on the board of commissioners of the Port of New Orleans; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE BILL NO. 120—**

BY REPRESENTATIVE WALKER  
AN ACT

To amend and reenact R.S. 51:411, relative to false advertising; to enhance the penalties for false advertising; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

**HOUSE BILL NO. 169—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact Code of Civil Procedure Article 1235.1, relative to service of process on persons; to provide procedures for service on incarcerated persons; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 234—**

BY REPRESENTATIVES BRUNEAU AND HEATON  
AN ACT

To amend and reenact R.S. 33:9075(B), (D)(1)(a) and (c), and (F)(1)(a), (b), and (d), relative to the Lake Oaks Subdivision Improvement District; to provide for district boundaries the membership of the board of commissioners, the vote of district electors necessary to levy a parcel fee, the maximum amount, the duration, and renewal of such fee, and elections for fee approval and renewal; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 235—**

BY REPRESENTATIVE BRUNEAU  
AN ACT

To enact R.S. 33:9091.7, relative to the Lakeshore Crime Prevention District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 471—**

BY REPRESENTATIVE MURRAY  
AN ACT

To amend and reenact R.S. 47:2110(A)(2)(a), relative to the ad valorem tax; to provide for the timely payment of taxes paid under protest; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 478—**

BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact R.S. 3:4602(1) and (13), 4623(A), 4671, and 4684, to enact R.S. 3:4602(1.1), (12.2), (13.1), and (14.1), and to repeal R.S. 3:4672(G), 4674, 4676, 4677, 4687, and 4688, relative to the regulation of devices for weighing and measuring petroleum products; to exempt petroleum for specified uses from certain fees; to provide relative to penalties for violations of petroleum weights and measures regulations; to repeal regulations applicable to gasoline blended with ethanol or methanol; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

**HOUSE BILL NO. 541—**

BY REPRESENTATIVES LAFLEUR AND DORSEY

## AN ACT

To enact Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:555 and 556, relative to sexual assault; to create the Louisiana Sexual Assault Task Force; to provide for its membership; to provide for meetings; to provide for duties; to provide for reporting requirements; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 677—**

BY REPRESENTATIVE JOHNS

## AN ACT

To amend and reenact R.S. 13:3049(B)(2)(a) and (e) and Code of Civil Procedure Article 1734.1(A), relative to civil jury trials; to provide for the expenses related to jury trials; to provide for the payment of jurors; to provide for the cash deposit; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 691—**

BY REPRESENTATIVE JOHNS

## AN ACT

To amend and reenact R.S. 23:215(A), (B), and (D) and to enact R.S. 23:215(E) and (F), relative to the employment of minors; to provide work hours for minors; to provide for written parental consent; to define "school day"; to provide for minors with equivalency diplomas; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**HOUSE BILL NO. 693—**

BY REPRESENTATIVES DAMICO, ANSARDI, MARTINY, TOOMY, TUCKER, AND WOOTON AND SENATORS BOISSIERE, HAINKEL, HEITMEIER, HOLLIS, LENTINI, AND ULLO

## AN ACT

To amend and reenact R.S. 33:9129 and to enact R.S. 33:9108(D), relative to communication districts; to provide with respect to the Jefferson Parish Communication District; to authorize the Jefferson Parish Council to adopt, by ordinance or resolution, provisions of the general law relating to communication districts for the use, benefit, operation, and enhancement of the Jefferson Parish Communication District; to make certain provisions of general law applicable to the parish, the council, and the district; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 790—**

BY REPRESENTATIVE HUNTER

## AN ACT

To amend and reenact R.S. 23:1378(E), relative to the second injury fund; to provide for venue of Second Injury Board appeals; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**HOUSE BILL NO. 820—**

BY REPRESENTATIVE HUNTER

## AN ACT

To amend and reenact R.S. 23:1294(A)(2)(introductory paragraph) and (3) and to enact R.S. 23:1294(A)(2)(i), relative to workers' compensation; to provide for the chairman of the Workers' Compensation Advisory Council; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**HOUSE BILL NO. 825—**

BY REPRESENTATIVE HUNTER

## AN ACT

To amend and reenact R.S. 23:1378(A)(8)(b), relative to the second injury fund; to provide for the submission of requests for settlement approval; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**HOUSE BILL NO. 832—**

BY REPRESENTATIVE SCHNEIDER

## AN ACT

To enact Parts VIII and IX of Chapter 6 of Subtitle III of Title 11, to be comprised of R.S. 11:2151 through 2157, relative to the Registrars of Voters Employees' Retirement System; to provide with respect to qualification of the pension plan and trust of the retirement system under Section 401(a) of the Internal Revenue Code; to provide an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 908—**

BY REPRESENTATIVE HUNTER

## AN ACT

To repeal R.S. 23:1131, relative to wage records; to repeal provision allowing for the release of earnings records and information of workers' compensation claimants.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**HOUSE BILL NO. 921—**

BY REPRESENTATIVES BAYLOR AND K. CARTER

## AN ACT

To amend and reenact R.S. 56:1685(B)(1)(w), (C), and (D), to enact R.S. 56:1685(B)(1)(x) and (y), and to repeal R.S. 56:1685(E), relative to the office of state parks; to provide for the classification of holdings; to revise the lists of state historic

sites, state parks, and state preservation areas; to remove recognition of certain special holdings; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 944—**

BY REPRESENTATIVES SCALISE, BOWLER, ALARIO, ANSARDI, BRUNEAU, LABRUZZO, LANCASTER, MARTINY, AND WOOTON AND SENATORS BOISSIERE, HEITMEIER, HOLLIS, LENTINI, AND ULLO

AN ACT

To enact R.S. 33:4570.12, relative to naming of public grounds; to name a portion of LaSalle Park in Jefferson Parish as the Oswald-Dubea Arboretum and Nature Center of LaSalle Park; to provide for an exemption from R.S. 14:316; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 964—**

BY REPRESENTATIVES WHITE, MCVEA, AND HONEY

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E)(1) and (H), relative to the jurisdiction of city courts; to increase the jurisdictional amount in dispute in the City Court of Zachary; to increase the jurisdictional amount of a city court with territorial jurisdiction in a city with a certain population; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 976—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To enact R.S. 11:1332, relative to the Louisiana State Police Pension and Retirement System; to authorize the board of trustees to use interest earnings on investments in excess of normal requirements to provide a cost-of-living increase; to provide limitations; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 978—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:417, 422(C), 605(B), and 606(B)(2) and to repeal R.S. 11:448(B)(1) and (2), relative to the Louisiana State Employees' Retirement System; to provide relative to continued membership in the system; to provide for the actuarial purchase of service credit; to provide relative to participation in the Deferred Retirement Option Plan; to provide relative to the transfer of service credit; to provide relative to the Deferred Retirement Option Plan relative to public safety services employees; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 979—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To enact R.S. 11:446(F), relative to survivor benefits for the Louisiana State Employees' Retirement System; to provide for a default designated beneficiary and exceptions; to provide for a default joint and survivor benefit; to establish the benefit due a surviving spouse of a deceased member; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 980—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:429 and to repeal R.S. 11:425 through 428, 430, and 431, relative to the purchase of service credit in the Louisiana State Employees' Retirement System; to provide for the purchase of up to five years of service credit in the system; to repeal certain provisions relative to the purchase of service credit; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 981—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To enact Subpart D of Part IV of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:491, relative to the Louisiana State Employees' Retirement System; to provide for the collection of benefits paid to a member but not due the member; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 982—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:225, relative to the Louisiana State Employees' Retirement System; to provide for the return to active service by any disability retiree; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 1006—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY

AN ACT

To amend and reenact R.S. 11:62(introductory paragraph) and (9), relative to employee contribution rates; to authorize the board of trustees of the Sheriffs' Pension and Relief Fund to increase the employee contribution rate in consultation with the fund's actuary; to specify a maximum rate allowable; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.



**HOUSE BILL NO. 1007—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2178.1(A), (B), and (C)(4), (5), (8), and (9), relative to the Sheriffs' Pension and Relief Fund; to provide relative to the Back-Deferred Retirement Option Plan; to provide for return of employee contributions; to provide for transfer of employee contributions made during Back-Deferred Retirement Option Plan participation to the member's Back-Deferred Retirement Option Plan account; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 1008—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2178(M), relative to the Sheriffs' Pension and Relief Fund; to provide a nonrecurring lump-sum benefit if a cost-of-living adjustment is not payable; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 1041—**

BY REPRESENTATIVES TUCKER, ARNOLD, BAYLOR, FUTRELL, KATZ, LAMBERT, MARCHAND, AND RITCHIE  
AN ACT

To enact R.S. 33:4734 and 4780.51, relative to municipal and parish zoning; to provide for advance notice of zoning actions to certain military installations; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 1066—**

BY REPRESENTATIVES BAYLOR AND K. CARTER  
AN ACT

To amend and reenact R.S. 36:207(A)(4)(a) and R.S. 56:1681(A)(2) and (3), (B)(1), and (C), relative to state parks; to change the appointment process of the assistant secretary of the office of state parks; to change the membership of the State Parks and Recreation Commission; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 1101—**

BY REPRESENTATIVES ANSARDI, DAMICO, MARTINY, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO  
AN ACT

To enact R.S. 33:2740.18.2, relative to the hotel occupancy tax; to authorize the Jefferson Parish Council to levy and collect an additional hotel occupancy tax within Jefferson Parish; to provide for the purposes for which the proceeds of the tax may be used; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 1197—**

BY REPRESENTATIVES BAYLOR AND K. CARTER  
AN ACT

To amend and reenact R.S. 25:341(D), (E), (F), and (G), 342(A)(1) and (B)(2), and 343, and R.S. 36:207(A)(1) and (2), 208(C), and 909 and to enact R.S. 25:341(H), relative to the Louisiana State Museum; to change the appointment process of certain members of the museum's board of directors and the museum's professional director; to provide for the director's salary; to provide relative to board meetings; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 1306—**

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2178.1(C)(9)(a), relative to the Deferred Retirement Option Plan and the Back-Deferred Retirement Option Plan of the Sheriffs' Pension and Relief Fund; to provide for interest on balances in plan accounts; to provide an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 1330—**

BY REPRESENTATIVE JOHN SMITH  
AN ACT

To enact R.S. 33:1429.1, relative to law enforcement; to authorize certain sheriffs to engage in cooperative endeavors with other law enforcement agencies within the parish for law enforcement purposes, including providing funds to other law enforcement agencies in the parish; to provide limitations; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 1369—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 23:76(A), (B), (C)(1), (4), (5), and (6) and to enact R.S. 23:76(C)(2)(g) and (h), relative to occupational forecasting; to provide for Occupational Forecasting Conference; to provide for information on occupational projections; to provide for additional principals to the conference; to provide for evaluation of labor market data; to provide for voting approval; to provide for a final report; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**House Concurrent Resolutions  
on Second Reading**

The following House Concurrent Resolutions were read and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 42—**  
BY REPRESENTATIVE SHEPHERD

**A CONCURRENT RESOLUTION**

To urge and request the office of family support, support enforcement services, Department of Social Services to study all aspects relating to the treatment of subsequent children in child support awards and make specific recommendations for legislation.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Health and Welfare.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**EDUCATION**

Senator Ullo, Chairman on behalf of the Committee on Education, submitted the following report:

April 22, 2004

To the President and Members of the Senate:

I am directed by your Committee on Education to submit the following report:

**SENATE BILL NO. 209—**  
BY SENATOR ADLEY AND REPRESENTATIVE DOERGE  
**AN ACT**

To amend and reenact the introductory paragraph of R.S. 17:3048.1(C)(4) and (C)(4)(b) and (c), relative to the alternative means for determining residency for Tuition Opportunity Program for Students purposes for certain dependent students who graduate from eligible Louisiana high schools and have a parent or court-ordered custodian who resides in an adjoining state; to increase the length of time such a student must be enrolled in a Louisiana secondary school prior to high school graduation; to require that a student's parent or court-ordered custodian who is a resident of a state adjoining Louisiana reside in a county that adjoins Louisiana; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 259—**  
BY SENATOR IRONS  
**AN ACT**

To enact R.S. 17:197.1, relative to school nutrition; to limit certain beverages and food in vending machines; to limit accessibility to students; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 283—**  
BY SENATOR DARDENNE  
**AN ACT**

To amend and reenact the introductory paragraph of R.S. 17:3048.1(A)(1)(e) and R.S. 17:3048.1(A)(1)(e)(xii), relative to Tuition Opportunity Program for Students high school core curriculum requirements for certain awards; to provide applicability; to provide an effective date; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 435—**  
BY SENATOR THEUNISSEN  
**AN ACT**

To amend and reenact R.S. 17:3048.1(A)(1)(e)(vi), and (B)(2)(b)(vi) and (c)(vi), relative to the Tuition Opportunity Program for Students; to include certain agriscience courses as a science option in the core curriculum; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
CHRIS ULLO  
Chairman

**REPORT OF COMMITTEE ON**

**TRANSPORTATION, HIGHWAYS, AND  
PUBLIC WORKS**

Senator Ellington, Chairman on behalf of the Committee on Transportation, Highways, and Public Works submitted the following report:

April 22, 2004

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways, and Public Works to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 23—**  
BY SENATOR CAIN

**A CONCURRENT RESOLUTION**

To urge and request the Department of Public Safety and Corrections to inform the public of the requirements of R.S. 32:71(B) requiring slower moving traffic to drive in the right-hand lane on multilane highways, and to request state police to enforce the penalties for violation as provided in law.

Reported favorably.

**SENATE CONCURRENT RESOLUTION NO. 37—**  
BY SENATOR SMITH

**A CONCURRENT RESOLUTION**

To urge and request the secretary of the Louisiana Department of Transportation and Development to consider the training of certain department employees to assist state police in accident investigation and reconstruction, specifically concerning the road operating environment.

Reported favorably.

**SENATE CONCURRENT RESOLUTION NO. 42—**

BY SENATOR SMITH

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to use treated wood posts to support roadside signage and to investigate how the department may use more wood products in the maintenance and construction of Louisiana's highways.

Reported favorably.

**SENATE BILL NO. 145—**

BY SENATOR ELLINGTON

**AN ACT**

To amend and reenact R.S. 9:2795.4(A)(3) and (F), relative to limitation of liability; to provide relative to motorized off-road vehicle activities; to increase the weight limitation on vehicles involved in such activities; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 347—**

BY SENATOR SMITH

**AN ACT**

To enact R.S. 48:282, relative to the sale of timber by the Department of Transportation and Development; to authorize the department to sell timber which has been cut or felled on state highway right-of-ways; to provide for the use of the proceeds; and to provide for related matters.

Reported with amendments.

**HOUSE CONCURRENT RESOLUTION NO. 82—**

BY REPRESENTATIVES TUCKER, ANSARDI, BOWLER, DAMICO, LANCASTER, MARTINY, AND TOOMY AND SENATORS BOISSIERE, HOLLIS, LENTINI, AND ULLO

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to extend Louisiana Highway 3046 in Jefferson Parish to the northern foot of the Causeway Boulevard at Airline Drive interchange overpass and to assume responsibility for maintenance of such overpass.

Reported favorably.

Respectfully submitted,  
NOBLE E. ELLINGTON  
Chairman

**REPORT OF COMMITTEE ON**

**LABOR AND INDUSTRIAL RELATIONS**

Senator Holden, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

April 22, 2004

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

**SENATE BILL NO. 713—**

BY SENATOR MARIONNEAUX

**AN ACT**

To enact R.S. 23:1032.1, relative to workers' compensation; to provide with respect to liability of employers; to exempt employers who fail to secure workers' compensation insurance or proper certification of self-insurance status from statutory immunity; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 771—**

BY SENATOR CRAVINS

**AN ACT**

To amend and reenact R.S. 23:992, relative to employment of certain aliens; to prohibit hiring undocumented illegal aliens; to provide for penalties; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
MELVIN "KIP" HOLDEN  
Chairman

**REPORT OF COMMITTEE ON**

**SENATE AND GOVERNMENTAL AFFAIRS**

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 21, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

**SENATE RESOLUTION NO. 14**

BY SENATORS MOUNT, HAINKEL, HINES, LENTINI AND SCHEDLER

**A RESOLUTION**

To urge and request the president of the Senate to establish a committee and appoint the membership thereof to study, review, and make recommendations to revise the Senate Rules of Order.

Reported with amendments.

**SENATE CONCURRENT RESOLUTION NO. 29—**

BY SENATOR SMITH

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to preserve Louisiana's sovereignty related to public expressions of religious faith within the state of Louisiana.

Reported favorably.

**SENATE BILL NO. 114—**  
BY SENATOR JONES

**A JOINT RESOLUTION**

Proposing to repeal Article III, Section 4(E) of the Constitution of Louisiana, relative to the terms of office of legislators; to eliminate provisions which limit the number of consecutive terms a member of the Senate may serve in the Senate; to eliminate provisions which limit the number of consecutive terms a member of the House of Representatives may serve in the House of Representatives; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported favorably.

**SENATE BILL NO. 121—**  
BY SENATOR JONES

**AN ACT**

To amend and reenact R.S. 18:424(E) and 425(E), relative to compensation of election commissioners; to provide for additional compensation of commissioners; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 258—**  
BY SENATOR JONES

**AN ACT**

To amend and reenact R.S. 18:1483(7)(e), relative to campaign finance; to classify as "district office" the office of marshal or constable of a city court; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 709—**  
BY SENATOR MICHOT

**AN ACT**

To enact R.S. 44:137(D), (E), and (F), relative to public records; to provide for the disposition of original records filed by the clerks of court; to provide for evidentiary status of reproductions of such records; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 736—**  
BY SENATOR JONES

**AN ACT**

To amend and reenact R.S. 23:1652(A), R.S. 25:380.11(A) and 651(A), R.S. 34:942(A), 1072(A), 1101(A), 2303 and 3151(A),(B) and (C) R.S. 37:1104(2)(a) and 2102(A), R. S. 38:3098.6(A),(B) and (C), R.S. 42:1481(A) R.S. 46:2501(A),(1) and (2), (B),(1) and (2) and (C), R.S. 48:108.1(A), 1092.1(A), R.S. 51:1010(A) and 2233(A), and R.S. 56:74(A); and to enact R.S. 2:341(D) and 654(D), R.S. 3:264(J), 401(C), 453(F), 473(G), 551.3(K), 551.32(E), 551.63(G), 551.73(F), 551.82(D), 556.3(J), 557.4(P), 558.3(J), 732(I), 1312(K), 1432(C), 1604(J), 1892(I), 2091(M), 2364(F), 3211(K), 3363(I), 3403(L), 3801(J), 4106(C), 4272(D) and 4603(K), R.S. 4:61(F) and 144(D), R.S. 8:61(C) and 675(N), R.S. 9:2341(G), R.S. 11:122(9), 181(F), 511(6), 1302(D), 1821(J) and 2225(E), R.S. 13:42(C) R.S. 15:151(C), 323(G), 572.1(G), 574.2(G), 574.22(J), 1155(K), 1202(D), 1228.3(14) and 1094.1(C), R.S. 16:51(C), R.S.

17:2(E), 24.4(K), 407.3(D), 1453(J), 1871(C), 1911(K), 1964(G), 1970.24(G), 1979(F), 2503(I), 3022(F), 3053(H), 3093(E) and 3212(F), R.S. 22:9(E), 15(E), 1192(D), 1194.2(D), 1381(D), 1395.6(E), 1401(K), 1417(E) and 1922(F), R.S. 23:76(D), 103(C), 1398(D), 1652(B), 1658(C) and 2043(D), R.S. 24:38(E), 81(C), 202(F), 551(C), 661(E), 802(F) and 933(D), R.S. 25:2(C), 315(G), 341(H), 373(E), 379.1(F), 380.11(B), 380.22(F), 651(B), 822(I), 891(E), 902(G), 1001(E), 1005.1(E), 1223(G) and 1232(G), R.S. 27:11(H), R.S. 28:753(C), 826(J), 831(K) and 1402(E), R.S. 29:253(D), R.S. 30:83(I), 121(E), 2062(H) and 2503(I), R.S. 32:772(J) and 1253(I), R.S. 33:2006(F), 2342(H), 4064.2(H), 4574.12(G), 4579.1(E), 8062(D), 9551(G) and 9571(F), R.S. 34:1(N), 202(E), 322(C), 942(B), 962(D), 991(D), 991.1(D), 1042(C), 1072(B), 1101(B), 1121(D), 1221(D), 1401(E), 1451(D), 1702(D), 1951(E), 2471(C), 2555(D), 3104(F), 3151(D), 3166(D), 3251(D), 3263(E) and 3474(E), R.S. 36:801.7(F), R.S. 37:142(E), 341(F), 683(E), 753(K), 832(E), 914(F), 962(D), 1007(D), 1042(F), 1104(G), 1172(C), 1263(D), 1270.1(I), 1314(K), 1361(F), 1432(F), 1515(F), 2102(B), 2151(D), 2165(G), 2303(D), 2401.1(K), 2455(C), 2503(F), 2551(F), 2654(I), 2704(H), 2802(H), 2835(E), 3061(D), 3084(L), 3111(G), 3152(I), 3173(G), 3201(G), 3242(G), 3253(C), 3273(I), 3356(H), 3373(I), 3394(J), 3444(F), 3463(I), 3504(H) and 3554(H), R.S. 38:20(C), 291(V), 304(D), 1798.4(C), 1921(H), 2322(D), 2704(D), 3074(F), 3087.4(E), 3087.134(J), 3087.194(F), 3097.4(E), 3098.6(D) and 3303(E) and R.S. 39:5(D), 22(3), 99.5(F), 301(F) and 1784(C), R.S. 40:511.(H), 600.4(E), 1232.2(M), 1299.40(G), 1299.44(E), 1299.88(F), 1299.181(J), 1299.185(E), 1300.61(D), 1300.105(E), 1351(C), 1578.1(G), 1662.13(H), 1841(E), 2018(J), 2019(H), 2191(E), 2403(I), 2451(H) and 2491(H), R.S. 41:1602(G), R.S. 42:456.2(D), 882(F), 1132(E) and 1481(B), R.S. 46:153.(E), 933(H), 1081(D), 1406(G), 1803(G), 2265(G), 2351(F), 2355(14), 2404(H), 2501(D), 2525(I), 2605(G), 2613(G), 2624(J), 2634(I), 2662(E), 2675(F) and 2751(D), R.S. 47:463.60(I), 820.5.3(E), 1402(D), 1832(C) and 9004(H), R.S. 48:101(D), 108.1(B), 1092.1(B), 1352(C), 1604(K), 1671(G), 2063(F) and 2074(M), R.S. 49:214.12(D), 219.2(D), 1053(J), 1112(I), 149.61(E) and 213.3(D), R.S. 51:911.26(K), 923(D), 943(D), 1010(B), 1256(L), 1284(D), 1304(E), 1318(K), 1364(J), 2233(B), 2311(H) and 2402(H), R.S. 56:1(I), 74(B), 331(F), 421(G), 578.2(F), 700.13(F) and 1681(D), relative to appointed officials to boards and commissions; to require every board and commission of the state of Louisiana to reflect the state's population by race and gender to ensure diversity as practicable as possible, except as required by federal court order; and provide for related matters.

Reported by substitute.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

**REPORT OF COMMITTEE ON**  
**NATURAL RESOURCES**

Senator Malone, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

April 22, 2004

To the President and Members of the Senate:

I am directed by your Committee on Natural Resources to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 24—**  
BY SENATOR MCPHERSON

**A CONCURRENT RESOLUTION**

To urge and request the governor to adopt a policy that ensures the public's right to access and use, for both navigation and fishing, naturally navigable waterways in the state.

Reported with amendments

**SENATE BILL NO. 47—**  
BY SENATOR ULLO

**AN ACT**

To enact R.S. 56:578.14, relative to shrimp; to provide for the sale of shrimp by restaurants; to require identification as to the origin of shrimp; to provide notice to customers; to provide for display of information; to provide for penalties; and to provide for related matters.

Reported with amendments

**SENATE BILL NO. 762—**  
BY SENATOR B. GAUTREAUX

**AN ACT**

To authorize and provide for the transfer of certain state property in Assumption Parish to the Assumption Parish Police Jury; and to provide for related matters.

Reported with amendments

Respectfully submitted,  
MAX T. MALONE  
Chairman

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE BILL NO. 58—**  
BY SENATOR BARHAM

**AN ACT**

To enact R.S. 40:2010.8(A)(23) and 2010.10, relative to nursing homes; to add to the residents' bill of rights the right to have a copy of the most recent Department of Health and Hospitals annual licensing survey results provided by the facility; to require that the most recent Department of Health and Hospitals annual licensing survey results be provided to all residents, potential residents, and their sponsors; to provide procedure in the case of failure to make such a document available; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 58 by Senator Barham

**AMENDMENT NO. 1**

On page 2, delete lines 7 through 9 and insert the following:

"A. All nursing homes shall during the admission process provide notification to the applicant that the applicant may receive a copy of the annual licensing survey as well as the telephone number to report complaints, and the applicant shall sign stating they have been so notified."

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 79—**  
BY SENATOR DUPRE

**AN ACT**

To amend and reenact R.S. 40:5.5(E)(1), relative to food safety; to provide with respect to the definition of a "food service establishment"; to provide that the definition shall not include food for which no charge is made; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 79 by Senator Dupre

**AMENDMENT NO. 1**

On page 1, line 2, after "(E)" change "(1)" to "(2)"

**AMENDMENT NO. 2**

On page 1, line 3, after ""food service establishment";" delete the remainder of the line and delete line 4, and insert the following: "to exclude food prepared and served at private clubs; and to provide for related matters."

**AMENDMENT NO. 3**

On page 1, line 6, after "(E)" change "(1)" to "(2)"

**AMENDMENT NO. 4**

On page 1, delete lines 11 through 13 and insert the following:

\* \* \*

(2) The term "food establishment" does not include private homes where food is prepared or served for individual family consumption, **private clubs where food is prepared and served exclusively for member consumption**, religious or charitable food sales, a bar or lounge that serves beverages only, temporary and seasonal establishments, and bed and breakfast operations."

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 132—**  
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 37:2805(B)(1)(f) and (g), and (E), and 2808 and to repeal R.S. 37:2805(G), relative to chiropractors; to provide for certain licensure requirements; to provide for reciprocity licenses; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 132 by Senator Hollis

**AMENDMENT NO. 1**

On page 1, line 16 after "**IV** and" delete the remainder of the line and insert "XIII of an"

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 137—**  
BY SENATOR FIELDS

AN ACT

To enact R.S. 51:1421(D), relative to deceptive and unfair trade practices; to require the Department of Economic Development to provide certain notices to retail businesses; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 178—**  
BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 22:614.1, relative to statutory life insurance beneficiaries; to provide certain procedures and conditions; to authorize actions by certain entities; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 178 by Senator Hainkel

**AMENDMENT NO. 1**

On page 2, line 1, change "**B**." to "**B.(1)**"

**AMENDMENT NO. 2**

On page 2, at the end of line 14, add the following: "**Upon payment of any benefits due under the life insurance policy, the payor shall notify both the estate of the deceased and the recipient of the charitable contribution under this Subsection.**  
**R.S. 22:614.1(B)(2) is all proposed new law.**

(2) The commissioner may promulgate rules and regulations under this Subsection, pertaining to registration requirements regarding solicitation of prospective insureds and annuitants, a listing of producers appointed to solicit prospective insureds and annuitants, certain disclosure and notice requirements to the prospective insureds and annuitants, mandatory forms review and approval by the commissioner, an annual listing of receipt and disbursements of the proceeds of annuities and life insurance policies to be submitted by entities, and related matters."

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 219—**  
BY SENATOR DARDENNE

AN ACT

To enact R.S. 46:977 and 1906(C), relative to the immunization of certain juveniles; to provide with respect to the Hepatitis B vaccine for juveniles in state custody; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 219 by Senator Dardenne

**AMENDMENT NO. 1**

On page 2, line 1, delete "division of youth services" and insert "juvenile correction centers"

**AMENDMENT NO. 2**

On page 2, delete line 8 and insert the following: "of juvenile correction centers. Detainees released before completion of the series of three immunizations shall be referred to health units or other providers for completion of the series of doses."

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 241—**  
BY SENATOR IRONS

AN ACT

To enact R.S. 46:1409.1, relative to certain licensed child care facilities; to provide for the development of a written safe sleep policy; to provide for posting of the written policy; to provide for training; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 241 by Senator Irons

AMENDMENT NO. 1

On page 1, line 7, after "Class A" insert "and B"

AMENDMENT NO. 2

On page 1, line 9, after "Class A" insert "and B"

AMENDMENT NO. 3

On page 2, line 4, after "Class A" insert "or B"

AMENDMENT NO. 4

On page 2, line 20, at the beginning of the line, after "A" insert "or B"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 372—**

BY SENATOR THEUNISSEN

**AN ACT**

To amend and reenact R.S. 6:969.6(8), relative to the Louisiana Motor Vehicle Finance Act; to provide for the definition of a consumer loan; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 372 by Senator Theunissen

AMENDMENT NO. 1

On page 1, at the end of line 16 insert the following: "**The provisions of this Paragraph shall not apply to a consumer loan made pursuant to the Louisiana Deferred Presentment and Small Loan Act, R.S. 9:3578.1, et seq.**"

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 374—**

BY SENATOR HOLLIS

**AN ACT**

To amend and reenact R.S. 6:965(C)(3) and (4), and 966, and to enact R.S. 6:965(C)(5) and (6), and 966.1, relative to additional default remedies; to provide for definitions; to provide for procedures for taking possession of collateral upon default; to provide for repossession licenses; to provide for the payment of certain fees by the secured party; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 374 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 3 after "(6)," delete "and 966.1," and insert "and (D),"

AMENDMENT NO. 2

On page 1, line 5 after "licenses;" delete "to provide for the payment of certain fees by the secured party;"

AMENDMENT NO. 3

On page 1, line 8 after "R.S." and before "965(C)(3)" insert "6:"

AMENDMENT NO. 4

On page 1, line 9 after "and (6)" delete "and 966.1" and insert "and (D)"

AMENDMENT NO. 5

On page 2, between lines 15 and 16 insert the following:

**"R.S. 6:965(D) is all proposed new law.**

D. Beginning on or after January 1, 2005, the secured party seeking to utilize the remedies provided herein shall include the following in its security agreement: "Louisiana law permits repossession of the collateral upon default without judicial process."

AMENDMENT NO. 6

On page 2, at the beginning of line 17 after "A." insert "**(1)**"

AMENDMENT NO. 7

On page 2, line 17 after "used to" delete the remainder of the line and insert "**obtain possession and dispose**" and at the beginning of line 18 delete "and disposition"

AMENDMENT NO. 8

On page 2, line 19 after "judgment," delete "upon notice to the debtor,"

AMENDMENT NO. 9

On page 2, line 20 after "security agreement" delete "importing a confession of judgment" and after the period "." insert "**(2)**"

AMENDMENT NO. 10

On page 2, line 21 after "**a secured party shall**" delete "**notify the debtor**" and insert "**send notice to all debtors**"

AMENDMENT NO. 11

On page 2, line 22 after "**address of the**" delete "**debtor and the co-maker, if any**" and insert "**debtors**"

AMENDMENT NO. 12

On page 2, line 24 after "**R.S. 6:965(C)(3).**" insert "**Such notice shall include the debtor's name, last known address, and description of the collateral and the following in at least 12-point type: "Louisiana law permits repossession of the collateral upon default without further notice or judicial process". (3)**"

AMENDMENT NO. 13

On page 3, line 12 after "be retitled," delete the remainder of the line and delete lines 13 through 27 in their entirety.

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## 13th DAY'S PROCEEDINGS

### AMENDMENT NO. 14

On page 4, line 27 change "E." to "D."

### AMENDMENT NO. 15

On page 5, line 1 between "United States" and the period "." insert "**or licensed and regulated by the laws of any other state**"

### AMENDMENT NO. 16

On page 5, line 7 delete "E." and insert the following:

**"E.(1)(i) Any person, other than an employee of the secured party, seeking to obtain possession of the collateral pursuant to this Chapter shall obtain a repossession license from the office of financial institutions.**

**(ii) On or before January 1, 2005, the commissioner of financial institutions shall establish rules and regulations in accordance with the Administrative Procedure Act for the qualifications for licensure of such repossession agents. In addition to the qualifications promulgated by the commissioner, any person seeking licensure as a repossession agent shall be a member of one of the following organizations: National Finance Adjusters, Inc., Allied Finance Adjusters Conference, Inc., Time Adjusters Conference, Inc., or the American Recovery Association, Inc.**

(2)"

### AMENDMENT NO. 17

On page 5, at the beginning of line 12 after "45:164." delete the remainder of the line and delete lines 13 and 14 in their entirety.

### AMENDMENT NO. 18

On page 5, line 15 change "G." to "F."

### AMENDMENT NO. 19

On page 5, line 17 after "et seq.," delete the remainder of the line and line 18 in its entirety and insert "**including all rights under R.S. 10:9-615 and 9-626 when proceeding under judicial process.**"

### AMENDMENT NO. 20

On page 5, line 24 change "H." to "G."

### AMENDMENT NO. 21

On page 5, at the beginning of line 25 delete "seized" and insert "**repossessed**" and after "shall have" delete "seventy-two hours" and insert "**ten days**"

### AMENDMENT NO. 22

On page 5, line 26 delete "seizing" and insert "**repossessing**" and at the end of the line after "property." insert "**If at the end of thirty days following the repossession of the collateral, the secured party shall no longer be responsible for the personal effects located inside of the repossessed collateral and the personal effects shall be deemed abandoned.**"

### AMENDMENT NO. 23

On page 6, delete lines 2 through 13 in their entirety and insert the following:

"Section 2. This Act shall become effective on January 1, 2005; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2005, or on the day following such approval by the legislature, whichever is later.

Section 3. This Act shall take effect and become operative if and when the Act which originated as Senate Bill 768 of the 2004 Regular Session or any bill which is declared a duplicate or any similar bill which requires a secured party who proceeds with repossession without judicial process to file notice of repossession with the clerk of court and pay certain fees is enacted and becomes law and is effective."

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### SENATE BILL NO. 392—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 40:2116(B)(1) and (D) and to enact R.S. 40:2116(H), relative to the facility need review process; to provide with respect to the facility need review process; to provide with respect to beds in adult residential centers; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 392 by Senator McPherson

### AMENDMENT NO. 1

On page 2, lines 3 and 4, delete "**and on beds in adult residential centers**"

### AMENDMENT NO. 2

On page 2, delete line 5, and insert "nursing facilities or beds in nursing facilities"

### AMENDMENT NO. 3

On page 2, line 15, after "**approval**" insert "**, subject to budget neutrality provisions and rules and regulations promulgated by the Department of Health and Hospitals**"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### SENATE BILL NO. 442—

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 33:1560 and the introductory paragraph of R.S. 40:34(B)(2)(r), relative to medical certifications; to require that medical certificates indicating cause of death be signed by physicians; to provide for the appointment and compensation of certain physicians; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

### SENATE COMMITTEE AMENDMENTS



Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 442 by Senator Ullo

AMENDMENT NO. 1

On page 2, line 1, after "cases" delete "not involving" and insert "under" and after "investigation" delete "or autopsy" and insert "by the corner"

AMENDMENT NO. 2

On page 2, line 2, after "certification" insert "section of the death certificate" and after "cause" insert "and manner"

AMENDMENT NO. 3

On page 2, line 3, after "a" and before "medical" insert "licensed" and after "coroner," delete "the" and insert "a licensed"

AMENDMENT NO. 4

On page 2, line 20, delete "**and**" and insert the following ". **In the absence of an attending physician, the parish coroners shall sign the medical certification of cause and manner of death, as provided for in R.S. 33:1560(B) which**"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 484—**  
BY SENATOR HINES

AN ACT

To enact Chapter 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2801 through 2803, relative to the Louisiana Interagency Task Force on the Future of Family Medicine; to provide for creation of the task force; to provide for definitions; to provide for the composition of the task force; to provide for duties and powers of the task force; to provide for reporting deadlines and a termination date for the task force; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 484 by Senator Hines

AMENDMENT NO. 1

On page 2, line 27, after "governor" insert a comma

AMENDMENT NO. 2

On page 2, line 28, after "Hospitals" insert ", or his designee"

AMENDMENT NO. 3

On page 2, line 29, after "welfare" insert ", or their designees"

AMENDMENT NO. 4

On page 3, line 6, after "Louisiana" insert "Legislative"

AMENDMENT NO. 5

On page 3, between lines 13 and 14 insert the following:

"(13) A representative of the Louisiana Association of Nurse Practitioners.

(14) A representative of the Louisiana Primary Care Association.

(15) The president of Xavier University of Louisiana, or his designee.

(16) The president of the Louisiana Community and Technical College System, or his designee."

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 492—**

BY SENATOR SCHEDLER

AN ACT

To enact R.S. 40:2009.24, relative to nursing homes; to provide for the creation of the Nursing Home Quality and Efficiency Board; to provide for membership of the board; to provide for the functions and duties of the board; to provide for rule making by the Department of Health and Hospitals; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 492 by Senator Schedler

AMENDMENT NO. 1

On page 1, delete line 17, and insert "The board shall be charged with developing recommendations for programs designed to promote quality care and increase efficiency"

AMENDMENT NO. 2

On page 2, delete lines 1 and 2 and insert "and to encourage"

AMENDMENT NO. 3

On page 2, line 6, after "Hospitals" insert ", or his designee"

AMENDMENT NO. 4

On page 2, delete lines 13 and 14 and insert "(7) The Medicaid director of the Department of Health and Hospitals."

AMENDMENT NO. 5

On page 2, after line 14 insert "(8) The executive director of the Governor's Office of Elderly Affairs."

AMENDMENT NO. 6

On page 2, line 15, delete "(8)" and insert "(9)"

AMENDMENT NO. 7

On page 2, line 16, delete "(9)" and insert "(10)"

AMENDMENT NO. 8

On page 2, between lines 17 and 18 insert "(11) One consumer representative appointed by the governor."

AMENDMENT NO. 9

On page 2, line 21, after "consider" insert ", including but not limited to"

**AMENDMENT NO. 10**

On page 2, line 22 after "incentives" insert "designed to reach the goals outlined in this Section. The board may consider any and all programs that would address the goals of this Section, including but not limited to"

**AMENDMENT NO. 11**

On page 2, line 28, after "semi-private rooms" insert "to private rooms"

**AMENDMENT NO. 12**

On page 3, line 3, after "beds" insert "at fair market value"

**AMENDMENT NO. 13**

On page 3, between lines 12 and 13, insert the following:

"(7) Any other programs that would further the purpose of this Section."

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 495—**  
BY SENATOR SCHEDLER**AN ACT**

To amend and reenact R.S. 40:2115.15(B), relative to public hearings; to provide for locations of hearings; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 540—**  
BY SENATOR CAIN**AN ACT**

To amend and reenact R.S. 22:691.2(A), relative to standard fire policy; to provide for coverage for peril of fire; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Cain, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 711—**  
BY SENATOR MCPHERSON**AN ACT**

To enact R.S. 40:2009.22, relative to Medicaid nursing home beds being dually certified; to provide for nursing home operators to be required to dually certify beds that are certified for Medicaid reimbursement; to provide for a permissive grace period; to provide for penalties for failure to dually certify; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 768—**  
BY SENATOR HOLLIS**AN ACT**

To enact R.S. 6:966.1, relative to additional default remedies; to provide for a notice of repossession; to provide for contents; to provide for fees; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

**Reconsideration**

On motion of Senator Nevers, pursuant to the previous notice given, the vote by which the following bill failed to pass on Wednesday, April 21, 2004 was reconsidered.

**SENATE BILL NO. 745—**  
BY SENATOR NEVERS**AN ACT**

To amend and reenact R.S. 33:106, relative to the general powers and duties of parish and municipal planning commissions; to change the authority of a parish or municipality planning commission to adopt a master plan from mandatory to permissive; and to provide for related matters.

On motion of Senator Nevers, the bill was read by title and returned to the Calendar, subject to call.

**Senate Concurrent Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 16—**  
BY SENATOR DARDENNE**A CONCURRENT RESOLUTION**

To urge and request judges who sentence juveniles to the custody of the office of youth development to require immunization for Hepatitis B as a condition of sentencing.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title. Senator Dardenne moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Kostelka
Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount

Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	
Dardenne	Jackson	
Total—34		

NAYS

Total—0

ABSENT

Fields	Lentini	Ullo
Jones	Schedler	
Total—5		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**SENATE CONCURRENT RESOLUTION NO. 46—**  
BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To create the Louisiana Task Force on Electronic Medical Records to study electronic prescribing and electronic medical records to improve the quality and safety of health care in this state.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Concurrent Resolution No. 46 by Senator McPherson

**AMENDMENT NO. 1**

On page 2, between lines 14 and 15, insert the following:

"(10) A representative of the medical schools at Louisiana State University and Tulane University.

(11) A representative of the Rural Hospital Association."

On motion of Senator McPherson, the committee amendment was adopted.

The resolution was read by title. Senator McPherson moved to adopt the amended Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Holden	Smith

Chaisson	Hollis	Theunissen
Cheek	Irons	
Cravins	Jackson	
Total—31		

NAYS

Total—0

ABSENT

Duplessis	Jones	Schedler
Fields	Kostelka	Ullo
Heitmeier	Lentini	
Total—8		

The Chair declared the Senate had adopted the amended Senate Concurrent Resolution and ordered it engrossed and sent to the House.

**SENATE CONCURRENT RESOLUTION NO. 59—**  
BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To direct the Department of Health and Hospitals to investigate, study, and develop a plan or strategy to expedite intra-departmental information sharing designed to result in improvement of data collection processes, program evaluation, coordination of client services, and to avoid duplication of efforts.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title. Senator McPherson moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Jackson
Adley	Duplessis	Malone
Amedee	Dupre	Marionneaux
Bajoie	Ellington	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	
Total—32		

NAYS

Total—0

ABSENT

Fields	Kostelka	Ullo
Heitmeier	Lentini	
Jones	Schedler	
Total—7		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Senate Bills and Joint Resolutions on  
Third Reading  
and Final Passage**

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**SENATE BILL NO. 62—**  
BY SENATOR FIELDS

**AN ACT**

To amend and reenact R.S. 15:574.20(A), relative to parole; to provide with respect to medical parole; to require medical parole consideration of inmates determined to be terminally ill; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 148—**  
BY SENATOR ELLINGTON

**AN ACT**

To amend and reenact R.S. 3:3654(E)(4) and (6), as amended by Act No. 1232 of the 2003 Regular Session, and to enact R.S. 3:3656(A)(3), relative to security devices affecting farm products; to provide relative to financing statements for farm products; to provide relative to certain requirements for the amendment and expiration of such statements; and to provide for related matters.

The bill was read by title. Senator Ellington moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Smith
Chaisson	Holden	Theunissen
Cheek	Hollis	Ullo
Cravins	Irons	
Dardenne	Jackson	
Total—34		

**NAYS**

Total—0

**ABSENT**

Fields	Kostelka	Schedler
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Jones	Lentini
Total—5	

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 186—**  
BY SENATOR MCPHERSON

**AN ACT**

To amend and reenact R.S. 9:4502 (A)(1), relative to privileges on movables; to provide relative to the privilege for making or repairing movable goods; to provide relative to marine vessels, trailers, and equipment; to provide for remedy for debt due on such items; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Jones
Adley	Dupre	Kostelka
Amedee	Ellington	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Total—36		

**NAYS**

Total—0

**ABSENT**

Fields	Lentini	Schedler
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 199—**  
BY SENATOR SMITH

**AN ACT**

To amend and reenact R.S. 52:5, relative to jurisdiction over land sited in the state but under custody of the United States; to remove the sunset provision for entering into written agreements to cede concurrent jurisdiction to the United States; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Kostelka
Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Jackson	
Total—35		

**NAYS**

Total—0

**ABSENT**

Fields	Lentini
Jones	Schedler
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 342—**

BY SENATOR CHAISSON

**AN ACT**

To amend and reenact R.S. 27:302(E), relative to the Video Draw Poker Devices Control Law; to remove mandatory requirement that devices accept coins in the amount of the minimum wager offered by that device; to remove mandatory requirement that a video draw poker device provide one game for each coin of the minimum denomination deposited in that machine; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Marionneaux
Adley	Dupre	Michot
Bajoie	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Romero
Chaisson	Heitmeier	Theunissen

Cheek  
Cravins  
Dardenne  
Total—22

Holden  
Irons  
Jackson  
Ullo

**NAYS**

Amedee	Ellington	Malone
Barham	Fontenot	McPherson
Boasso	Hainkel	Nevers
Cain	Hollis	Smith
Total—12		

**ABSENT**

Fields	Kostelka	Schedler
Jones	Lentini	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Personal Privilege**

Senator Michot asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 342. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

**SENATE BILL NO. 344—**

BY SENATORS SMITH AND MICHOT  
AN ACT

To amend and reenact R.S. 9:315.8(E)(2), relative to child support; to provide relative to joint custody of a child; to provide relative to child support obligation in such circumstances; to require a credit on such obligation under certain circumstances; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Jones
Adley	Dupre	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Total—33		

**NAYS**

Chaisson	Ellington	Kostelka
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Total—3  
ABSENT  
Fields                      Lentini                      Schedler  
Total—3

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 357—**  
BY SENATOR CHEEK

AN ACT

To enact R.S. 27:325 and to repeal R.S. 27:307(E), relative to the Video Draw Poker Devices Control Law; to authorize certain advertising by video draw poker licensees; to authorize the promotion of the play of video draw poker devices; to repeal advertising restrictions on the outside of video draw poker establishments; and to provide for related matters.

On motion of Senator Cheek, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 381—**  
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1299.41(A)(16), relative to medical malpractice; to provide relative to the Patient's Compensation Fund; to include students being trained as paramedics under the coverage of such fund; to provide for the definition of "ambulance service"; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 437—**  
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 13:4291(A), (B)(1), and (C), relative to execution; to provide with respect to child support payments; to provide for judgments for such payments; to provide for the initiation of prescription on certain child support judgements; and to provide for related matters.

The bill was read by title. Senator Jackson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jones
Adley	Dupre	Kostelka
Amedee	Ellington	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero

Cheek  
Cravins  
Dardenne  
Total—36  
Hollis  
Irons  
Jackson  
Smith  
Theunissen  
Ullo

NAYS

Total—0  
ABSENT

Fields                      Lentini                      Schedler  
Total—3

The Chair declared the bill was passed. The title was read and adopted. Senator Jackson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 445—**  
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 9:315.40(2), relative to child support; to provide relative to the administrative suspension of certain licenses; to provide for definitions; to provide for compliance with an order of support; and to provide for related matters.

The bill was read by title. Senator Jackson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Irons
Adley	Duplessis	Jackson
Amedee	Dupre	Jones
Bajoie	Ellington	Marionneaux
Barham	Fontenot	McPherson
Boasso	Gautreaux, B	Michot
Boissiere	Gautreaux, N	Mount
Cain	Hainkel	Romero
Chaisson	Heitmeier	Theunissen
Cheek	Holden	Ullo
Cravins	Hollis	
Total—32		

NAYS

Malone                      Nevers                      Smith  
Total—3

ABSENT

Fields                      Lentini  
Kostelka                      Schedler  
Total—4

The Chair declared the bill was passed. The title was read and adopted. Senator Jackson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 550—**  
BY SENATOR IRONS

AN ACT

To amend and reenact R.S. 3:2364(B)(1) and (3) and to enact R.S. 3:2364(D)(6), (7), and (8), relative to the Louisiana Animal Welfare Commission; to provide for the funding, membership, and duties of the commission; and to provide for related matters.

On motion of Senator Irons, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 570—**  
BY SENATOR CHAISSON

AN ACT

To amend and reenact Code of Evidence Article 801(D)(1)(a), relative to evidence; to provide when prior inconsistent statements are not hearsay; and to provide for related matters.

On motion of Senator Chaisson, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 635—**  
BY SENATOR BARHAM

AN ACT

To enact R.S. 35:18, relative to notaries public; to provide for a one-year period of prescription for filing of malpractice actions against notaries; to provide for remedial application of provisions; to provide for a final date for the filing of certain actions; to provide for exceptions to the preemptive period in cases of fraud; and to provide for related matters.

On motion of Senator Barham, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 806 (Substitute for Senate Bill No. 158 by Senator Dupre)—**

BY SENATOR DUPRE

A JOINT RESOLUTION

Proposing to amend Section 20(A) of Article VII of the Constitution of Louisiana, relative to the homestead exemption from ad valorem property taxes; to provide persons eligible for the homestead exemption and for the valuation of land which is the homestead; to provide for the homestead exemption for homesteads owned in indivision and for fields in which there is timber; to provide for the application of the exemption to the surviving spouse, testamentary or irrevocable trusts, usufructuaries, and to property occupied by a buyer under a bond for deed contract under certain conditions; to prohibit more than one exemption for any person; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

**Motion**

On motion of Senator Dupre, Senate Bill No. 806 was made Special Order of the Day No. 1 on Tuesday, April 27, 2004 immediately following the Morning Hour.

**Senate Bills and Joint Resolutions on  
Third Reading and Final Passage,  
Subject to Call**

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

**Called from the Calendar**

Senator Ellington asked that Senate Bill No. 710 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 710—**  
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 34:855.3(E) and (F), relative to the regulation of personal watercraft; to change the age requirement to sixteen years of age to operate a personal watercraft; to authorize a person thirteen years of age or older on August 15, 2004, until they reach the age of sixteen, to operate a personal watercraft if they have completed a boating safety education course and are accompanied by a person at least 18 years of age; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Bajoie sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 710 by Senator Ellington

**AMENDMENT NO. 1**

On page 1, line 7, change "18" to "eighteen"

**AMENDMENT NO. 2**

On page 1, line 15, after "2004" insert ", who have not attained the age of sixteen,"

**AMENDMENT NO. 3**

On page 1, line 16, after "state" and before the comma "," delete "until they have reached the age of sixteen"

**AMENDMENT NO. 4**

On page 2, line 7, change "and/or" to "or"

On motion of Senator Bajoie, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Ellington sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Ellington to Engrossed Senate Bill No. 710 by Senator Ellington

**AMENDMENT NO. 1**

On page 1, line 17, after "course" change the comma "," to "and"

AMENDMENT NO. 2

On page 2, line 1, after "course" change the comma "," to a period "." and delete the remainder of the line and delete lines 2 and 3 in their entirety

On motion of Senator Ellington, the amendments were adopted.

The bill was read by title. Senator Ellington moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Duplessis	Kostelka
Amedee	Ellington	Michot
Bajoie	Fontenot	Mount
Boasso	Gautreaux, B	Nevers
Boissiere	Hainkel	Smith
Cain	Hollis	Theunissen
Cheek	Irons	Ullo
Cravins	Jackson	
Dardenne	Jones	
Total—25		

**NAYS**

Barham	Heitmeier	McPherson
Chaisson	Holden	Romero
Dupre	Malone	
Gautreaux, N	Marionneaux	
Total—10		

**ABSENT**

Mr. President	Lentini
Fields	Schedler
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Smith asked that Senate Bill No. 198 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 198—**  
BY SENATOR SMITH

**AN ACT**

To amend and reenact R.S. 3:4623(A), 4671, and 4684, to enact R.S. 3:4602(14.1), and to repeal R.S. 3:4672(G), 4674, 4676, 4677, 4687, and 4688, relative to the regulation of devices for weighing and measuring petroleum products; to exempt petroleum for specified uses from certain fees; to provide relative to penalties for violations of petroleum weights and measures regulations; to repeal regulations applicable to gasoline blended with ethanol or methanol; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Smith sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Smith to Engrossed Senate Bill No. 198 by Senator Smith

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 3:4623(A)" and insert "R.S. 3:4602(1) and (13), 4623(A)" and after "R.S. 3:4602" and before "(14.1)" insert "(1.1),(12.2),(13.1) and"

AMENDMENT NO. 2

On page 1 line 9, delete "R.S. 3:4623(A)" and insert "R.S. 3:4602(1) and (13), 4623(A)"

AMENDMENT NO. 3

On page 1, line 10, after "R.S. 3:4602" delete "(14.1) is" and insert "(1.1),(12.2),(13.1) and (14.1) are""

AMENDMENT NO. 4

On page 1, between line 13 and 14 insert the following:

" (1) "**Bulk transfer**" means any transfer of motor fuel from one location to another by pipeline tender or marine delivery within a bulk transfer/terminal system, including, but not limited to the following:

(a) a marine vessel movement of motor fuel from a refinery or terminal to a terminal;

(b) pipeline movements of motor fuel from a refinery or terminal to a terminal;

(c)book transfer of motor fuel within a terminal between licensed suppliers prior to completion of removal across the rack; and

(d) two-party exchange between licensed suppliers or between licensed suppliers and permissive suppliers.

(1.1) "Certificate of conformance" means a document issued by the National Institute of Standards and Technology, or any successor, based on testing in participating laboratories. The document constitutes evidence of conformance of a type with the requirements of National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, or 105-3, or conformance with the requirements of any handbook that may supersede the named handbooks."

AMENDMENT NO. 5

On page 1, between lines 14 and 15 insert the following:

" (12.2) **Position holder**" means the person who holds the inventory position in motor fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminaling services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal.

\* \* \*

(13) "**Rack**" means a mechanism for delivering motor fuel from a refinery, terminal, marine vessel, or bulk plant into a transport vehicle, railroad tank car, or other means of transfer that is outside the bulk transfer/terminal system.



(13.1) "Random weight package" means a package that is one of a lot, shipment, or delivery of packages or the same commodity with no fixed pattern of weights

\* \* \*

#### AMENDMENT NO. 6

On page 1, line 17, after "tons" delete the remainder of the line

#### AMENDMENT NO. 7

On page 2, delete line 1, and insert the following: **"or ships, vessels, or barges in possession of an exemption certificate issued under the provisions of R.S. 47:305.1."**

#### AMENDMENT NO. 8

On page 2, line 23, after "state," insert the following: **"The fee does not include liquefied petroleum gas, natural gas, or bulk sale or transfers. Excluding bulk sales or transfers, the fee will be imposed upon the removal from an Internal Revenue Service approved terminal using the terminal rack. The position holder shall collect the fee imposed from the person who orders the withdrawal at the terminal rack. Exports out of the state shall not be subject to the fee. A fee is also imposed on the above referenced fuel upon import to the state excluding bulk sale or transfer for delivery within the state. This fee shall be paid by the first importer."**

#### AMENDMENT NO. 9

On page 2, line 25, after "**R.S.3:4602**," delete the remainder of the line and delete lines 26 and 27 in their entirety.

#### AMENDMENT NO. 10

On page 2, line 28, change "the secretary" to "The secretary"

On motion of Senator Smith, the amendments were adopted.

On motion of Senator Smith, the amended bill was read by title and returned to the Calendar, subject to call.

### Called from the Calendar

Senator Hainkel asked that Senate Bill No. 48 be called from the Calendar at this time for its final passage.

#### SENATE BILL NO. 48— BY SENATOR HAINKEL

##### AN ACT

To amend and reenact R.S. 14:402(E), relative to offenses affecting law enforcement; to provide relative to contraband prohibited in certain correctional facilities; and to provide for related matters.

The bill was read by title. Senator Hainkel moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President  
Adley

Duplessis  
Dupre

Malone  
Marionneaux

Amedee

Bajoie

Barham

Boasso

Boissiere

Cain

Chaisson

Cheek

Cravins

Dardenne

Total—34

Ellington

Fontenot

Gautreaux, B

Gautreaux, N

Hainkel

Heitmeier

Holden

Irons

Jones

Kostelka

NAYS

Total—0

ABSENT

Fields

Hollis

Total—5

Jackson

Lentini

Schedler

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Called from the Calendar

Senator Barham asked that Senate Bill No. 635 be called from the Calendar at this time for its final passage.

#### SENATE BILL NO. 635— BY SENATOR BARHAM

##### AN ACT

To enact R.S. 35:18, relative to notaries public; to provide for a one-year period of prescription for filing of malpractice actions against notaries; to provide for remedial application of provisions; to provide for a final date for the filing of certain actions; to provide for exceptions to the preemptive period in cases of fraud; and to provide for related matters.

### Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Engrossed Senate Bill No. 635 by Senator Barham

#### AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact R.S. 35:200, and to"

#### AMENDMENT NO. 2

On page 1, line 8, after "Section 1." insert "R.S.35:200 is hereby amended and reenacted and"

#### AMENDMENT NO. 3

On page 1, line 14, after "combination", delete the remainder of the line

AMENDMENT NO. 4

On page 1, at the beginning of line 15 delete "in" and insert in lieu thereof: "answerable for the damage occasioned by such notary public in the exercise of"

AMENDMENT NO. 5

On page 2, line 19, delete "authorized by the laws of this state to engage in" and insert in lieu thereof the following: "answerable for the damage occasioned by such notary public in the exercise of"

AMENDMENT NO. 6

On page 2, between lines 24 and 25 insert the following:

“ \* \* \*

§200. Limitation on actions

~~Actions against sureties on said bonds shall prescribe in ten years from date of act of commission or omission.~~

A. No action for damages against any notary public duly commissioned in any parish in this state, any partnership of such notaries public, or any professional corporation, company, organization, association, enterprise, or other commercial business or professional combination answerable for the damage occasioned by such notary public in the exercise of the functions of a notary public, whether based upon tort, or breach of contract, or otherwise, arising out of an engagement to provide notarial services shall be brought unless filed in a court of competent jurisdiction and proper venue within one year from the date of the alleged act, omission, or neglect, or within one year from the date that the alleged act, omission, or neglect is discovered or should have been discovered; however, even as to actions filed within one year from the date of such discovery, in all events such actions shall be filed at the latest within three years from the date of the alleged act, omission, or neglect.

B. The provisions of this Section are remedial and apply to all causes of action without regard to the date when the alleged act, omission, or neglect occurred. However, with respect to any alleged act, omission, or neglect occurring prior to July 1, 2004, actions must, in all events, be filed in a court of competent jurisdiction and proper venue on or before July 1, 2007, without regard to the date of discovery of the alleged act, omission, or neglect. The one-year and three-year periods of limitation provided in Subsection A of this Section are peremptive periods within the meaning of Civil Code Article 3458 and, in accordance with Civil Code Article 3461, may not be renounced, interrupted, or suspended.

C. Notwithstanding any other law to the contrary, in all actions brought in this state against any notary public duly commissioned in this state, any partnership of such notaries public, or any professional corporation, company, organization, association, enterprise, or other commercial business or professional combination answerable for the damage occasioned by such notary public in the exercise of the functions of a notary public, the prescriptive and peremptive period shall be governed exclusively by this Section.

D. The provisions of this Section shall apply to all persons whether or not infirm or under disability of any kind and including minors and interdicts.

E. The peremptive period provided in Subsection A of this Section shall not apply in cases of fraud, as defined in Civil Code Article 1953.”

On motion of Senator Barham, the amendments were adopted.

The bill was read by title. Senator Barham moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Kostelka
Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Total—35		

**NAYS**

Total—0

**ABSENT**

Fields	Lentini
Hollis	Schedler
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Irons asked that Senate Bill No. 550 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 550—**

BY SENATOR IRONS

**AN ACT**

To amend and reenact R.S. 3:2364(B)(1) and (3) and to enact R.S. 3:2364(D)(6), (7), and (8), relative to the Louisiana Animal Welfare Commission; to provide for the funding, membership, and duties of the commission; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Cravins sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cravins to Engrossed Senate Bill No. 550 by Sen. Irons

AMENDMENT NO. 1

On page 2, between lines 16 and 17, insert the following:

“(I) One representative of the Louisiana Quarterhorse Association.

(j) One representative of the Louisiana Thoroughbred Breeders Association.”

On motion of Senator Cravins, the amendments were adopted.

The bill was read by title. Senator Irons moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Duplessis	Kostelka
Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Total—35		

#### NAYS

Total—0

#### ABSENT

Fields	Lentini
Hollis	Schedler
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Called from the Calendar

Senator Smith asked that Senate Bill No. 198 be called from the Calendar at this time for its final passage.

#### SENATE BILL NO. 198— BY SENATOR SMITH

#### AN ACT

To amend and reenact R.S. 3:4623(A), 4671, and 4684, to enact R.S. 3:4602(14.1), and to repeal R.S. 3:4672(G), 4674, 4676, 4677, 4687, and 4688, relative to the regulation of devices for weighing and measuring petroleum products; to exempt petroleum for specified uses from certain fees; to provide relative to penalties for violations of petroleum weights and measures regulations; to repeal regulations applicable to gasoline blended with ethanol or methanol; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Heitmeier	Smith
Chaisson	Holden	Theunissen
Cheek	Hollis	Ullo
Cravins	Jackson	
Dardenne	Jones	
Total—31		

#### NAYS

Cain	Hainkel
Total—2	

#### ABSENT

Fields	Kostelka	Romero
Irons	Lentini	Schedler
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Rules Suspended

Senator Ellington asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

### Introduction of Resolutions, Senate and Concurrent

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

#### SENATE RESOLUTION NO. 38— BY SENATOR FONTENOT

#### A RESOLUTION

To commend the National Environmental Health Association and the Louisiana Environmental Health Association for their achievements in protecting public health and join with the membership of these organizations in celebrating Monday, April 26, 2004 as National Sanitarian and Environmental Health Specialist Day in the state of Louisiana.

On motion of Senator Fontenot, the resolution was read by title and adopted.

**SENATE RESOLUTION NO. 39—**  
BY SENATORS MCPHERSON AND FIELDS  
A RESOLUTION

To commend the national chain drug stores within the state of Louisiana on their impact on Louisiana's economy and to designate Thursday, April 22, 2004, as "National Chain Drug Stores Day" in the Louisiana Senate.

On motion of Senator McPherson, the resolution was read by title and adopted.

**SENATE CONCURRENT RESOLUTION NO. 75—**  
BY SENATORS N. GAUTREAUX, AMEDEE, BOASSO, CHAISSON, DUPRE, B. GAUTREAUX, HAINKEL, MCPHERSON, MOUNT, ROMERO, SCHEDLER AND THEUNISSEN  
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to authorize and fund the establishment of the Coastal Forest Reserve Program, and to urge the United States Department of Agriculture Forest Service, the Louisiana Department of Agriculture and Forestry, and the Louisiana State University School of Renewable Natural Resources, with the assistance from the University of Louisiana at Lafayette and other Louisiana universities, to provide an inventory and assessment of coastal forests.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Natural Resources.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

April 22, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 276—**  
BY REPRESENTATIVE JACK SMITH  
AN ACT

To repeal R.S. 6:1010, relative to the Louisiana Check-Cashing Law; to repeal the requirement of posting a surety bond.

**HOUSE BILL NO. 285—**  
BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact R.S. 32:1720.1, relative to towing and storage of motor vehicles; to provide relative to stored motor vehicles; to remove certain requirements applicable to surrender of such vehicles to a secured party; and to provide for related matters.

**HOUSE BILL NO. 332—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 6:1087(B)(1) and (C), relative to the residential mortgage lenders; to provide for an exemption from licensure and continuing education requirements for employees and exclusive agents of direct or indirect subsidiaries of holding companies; and to provide for related matters.

**HOUSE BILL NO. 384—**  
BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact R.S. 32:80(B), relative to school buses; to provide relative to the use of visual stop-indicator signals on school buses; and to provide for related matters.

**HOUSE BILL NO. 473—**  
BY REPRESENTATIVE DURAND  
AN ACT

To enact R.S. 37:1285(G), (H), and (I), relative to the Louisiana State Board of Medical Examiners; to provide for strict limitations and conditions on staying or continuing an adjudication proceeding, decision, or order of the board prior to the issuance of a final decision; and to provide for related matters.

**HOUSE BILL NO. 573—**  
BY REPRESENTATIVE JOHNS  
AN ACT

To amend and reenact Code of Civil Procedure Article 3601 and to enact Code of Civil Procedure Article 3603(C), relative to civil procedure; to prohibit the issuance of injunctions or restraining orders which prevent the enforcement of child support orders; and to provide for related matters.

**HOUSE BILL NO. 576—**  
BY REPRESENTATIVE BOWLER  
AN ACT

To amend and reenact Civil Code Articles 571 and 573 and to repeal Code of Civil Procedure Article 3154.1, relative to usufructuaries; to provide for the giving of security; to provide for the type of security; to prohibit dispensing with security for certain testamentary usufructs; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Bills and Joint Resolutions  
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE BILL NO. 276—**  
BY REPRESENTATIVE JACK SMITH  
AN ACT

To repeal R.S. 6:1010, relative to the Louisiana Check-Cashing Law; to repeal the requirement of posting a surety bond.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 285—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 32:1720.1, relative to towing and storage of motor vehicles; to provide relative to stored motor vehicles; to remove certain requirements applicable to surrender of such vehicles to a secured party; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 332—**

BY REPRESENTATIVE PINAC

AN ACT

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The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 384—**

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 32:80(B), relative to school buses; to provide relative to the use of visual stop-indicator signals on school buses; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 473—**

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 37:1285(G), (H), and (I), relative to the Louisiana State Board of Medical Examiners; to provide for strict limitations and conditions on staying or continuing an adjudication proceeding, decision, or order of the board prior to the issuance of a final decision; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 573—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact Code of Civil Procedure Article 3601 and to enact Code of Civil Procedure Article 3603(C), relative to civil procedure; to prohibit the issuance of injunctions or restraining orders which prevent the enforcement of child support orders; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 576—**

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact Civil Code Articles 571 and 573 and to repeal Code of Civil Procedure Article 3154.1, relative to usufructuaries; to provide for the giving of security; to provide for the type of security; to prohibit dispensing with security for certain testamentary usufructs; and to provide for related matters.

The bill was read by title; lies over under the rules.

**Motion to Recommit**

Senator Cravins asked for and obtained a suspension of the rules and recommitted Senate Bill No. 221 from the Committee on Judiciary C to the Committee on Judiciary B.

**Message from the House**

**SIGNED HOUSE CONCURRENT RESOLUTIONS**

April 22, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 98—**

BY REPRESENTATIVE BRUNEAU AND SENATOR HAINKEL

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Raymond M. Rathle, Sr. and to recognize and record his singular contributions and accomplishments.

**HOUSE CONCURRENT RESOLUTION NO. 100—**

BY REPRESENTATIVE WALSWORTH

A CONCURRENT RESOLUTION

To commend the recipients of the Fourteenth Annual Louisiana Legends Awards.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

**Message from the House**

**SIGNED HOUSE BILLS AND  
JOINT RESOLUTIONS**

April 22, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 491 (Duplicate of Senate Bill No. 144)—**  
BY REPRESENTATIVE TOOMY AND SENATOR ELLINGTON  
AN ACT

To amend and reenact R.S. 33:2345(A), (B), and (E), to enact R.S. 33:2345(F), and to repeal R.S. 33:2344(B)(3), relative to training of municipal police chiefs; to provide relative to the authority granted to the governing board of the Law Enforcement Executive Management Institute; to provide relative to training requirements for municipal chiefs of police; to provide exceptions; and to provide for related matters.

**HOUSE BILL NO. 891 (Duplicate of Senate Bill No. 213)—**  
BY REPRESENTATIVE THOMPSON AND SENATOR ELLINGTON  
AND COAUTHORED BY REPRESENTATIVES ST. GERMAIN,  
BAUDOIN, BRUCE, DEWITT, FANNIN, FRITH, GEYMANN, M.  
GUILLORY, HILL, KENNEY, AND LAFLEUR  
AN ACT

To repeal R.S. 3:4617(F), relative to the use of certain terms in the labeling of food products; to repeal provision relative to the use of terms protected by trademark or registered trade name.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Fields	1 Day	Schedler	1 Day
Lentini	1 Day		

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Monday, April 26, 2004, at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Monday, April 22, 2004.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk

